

Article - Estates and Trusts

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§8–109.

(a) The individual liability of a personal representative to third parties arising from the administration of the estate is that of an agent for a disclosed principal, as distinguished from his fiduciary accountability to the estate.

(b) A personal representative is not individually liable on contracts properly entered into in his fiduciary capacity in the course of administration of the estate unless he expressly agrees to be.

(c) A personal representative is not individually liable for obligations arising from possession or control of property of the estate or for torts committed in the course of administration of the estate unless he is personally at fault.

(d) Claims based upon contracts, obligations, and torts of the types described in subsections (b) and (c) of this section may be allowed against the estate whether or not the personal representative is individually liable.

(e) The individual liability of the personal representative to third parties arising from the administration of the estate may be determined in the same proceeding in which a claim by the third party against the estate is considered.

(f) If there is doubt whether a claim should be allowed against the estate or against the personal representative as an individual, or both, a court in which a proceeding to enforce the claim is pending shall direct that notice be given to all interested persons and all creditors whose interests will be affected by the result and shall give them an opportunity to be heard.

(g) When the court allows a claim against the personal representative individually, the allowance has the same effect as a judgment against him.

(h) A personal representative may appoint a meeting of creditors whose claims have been filed under the provisions of § 8–104(b) or (c) of this subtitle on a day designated by order of the court. Written notice of the time, date, place, and purpose of the meeting shall be given at least ten days before the date. The approval of part or all of the claims of creditors represented at the meeting shall be made under the direction and control of the court, and the payment of a claim as approved by court order shall protect and indemnify the personal representative acting in obedience to it. The order is subject to appeal.

(i) No action shall be brought to charge a personal representative upon any special promise to answer damages out of his own estate, unless the contract or agreement upon which the action is brought, or some memorandum or note of it, is in writing and signed by the party to be charged, or some other person lawfully authorized by him.

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